

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

JOHN E. REARDON,

Plaintiff,

v.

VINCENT SEGAL, et al.,

Defendants.

CIVIL NO. 15-244(NLH/JS)

MEMORANDUM OPINION & ORDER

Appearances:

JOHN E. REARDON
1 JOANS LANE
BERLIN, NJ 08009
Pro Se Plaintiff

BENJAMIN HENRY ZIEMAN
STATE OF NEW JERSEY
OFFICE OF THE ATTORNEY GENERAL
DIVISION OF LAW
25 MARKET STREET
P.O. BOX 116
TRENTON, NJ 08625
Attorney for Defendants

HILLMAN, District Judge

This matter has come before the Court on Plaintiff's motion for recusal and for default judgment [59]; and

Plaintiff requests this Court's recusal in this matter because the Court has deliberately denied his request for default judgment against the defendants; and

On March 21, 2016 and August 11, 2016, the Court denied Plaintiff's motions for default judgment because he by-passed the first step in the default judgment process, which is to first

obtain a Clerk's entry of default, see Docket No. 42, 51 and Federal Civil Procedure Rule 55; and

To date, Plaintiff has still not obtained a Clerk's entry of default as to any defendant, which precludes this Court from considering an application by Plaintiff for default judgment; and

Under 28 U.S.C. § 455(a), "any justice, judge or magistrate [judge] of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned," and this section requires judicial recusal "if a reasonable person, knowing all the circumstances, would expect that the judge would have actual knowledge" of his interest or bias in a case, Liljeberg v. Health Services Acquisition Corp., 486 U.S. 847, 860 (1988); In re Kensington Intern. Ltd., 368 F.3d 289, 301 (3d Cir. 2004); and

The Court finding that Plaintiff's basis for recusal has no merit;

Therefore,

IT IS on this 25th day of April, 2017

ORDERED that Plaintiff's motion for recusal and the entry of default judgment [59] be, the same hereby is, DENIED.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.